

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

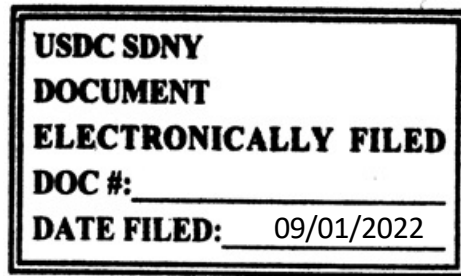
Carlos Hernandez,

Plaintiff,

-against-

Yours Wholesome Foods, Inc. et al.,

Defendants.



1:22-cv-03011 (SDA)

ORDER

**STEWART D. AARON, UNITED STATES MAGISTRATE JUDGE:**

This case contains claims under the Fair Labor Standards Act. Following mediation, the parties reached a settlement on all issues. On July 29, 2022, Judge Broderick entered an Order directing the parties to provide a copy of the settlement agreement to the Court together with a letter explaining why the settlement, including any provision for attorney's fees and costs, is fair and reasonable under *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015). (See 7/29/2022 Order, ECF No. 18.) On August 29, 2022, the parties submitted their proposed settlement agreement and related papers. (*Cheeks* Submissions, ECF No. 19; Settlement Agreement, ECF No. 19, Ex. A.) On August 31, 2022, an Order was issued on the parties' consent referring disposition of this matter to the undersigned pursuant to 28 U.S.C. § 636(c). (ECF No. 21.)

Having reviewed the proposed settlement, the Court finds that it is fair and reasonable, given both the nature and scope of Plaintiff's individual claims as well as the risks and expenses involved in additional litigation. See *Wolinsky v. Scholastic, Inc.*, 900 F. Supp. 2d 332, 335-36 (S.D.N.Y. 2012). In addition, Plaintiff seeks approval of \$17,735.00 in attorney's fees and costs, which is one-third of the total settlement amount plus costs. (See ECF No. 31 at 2; see also ECF



No. 31-2 (showing lodestar of \$ 16,890.00).) Courts in this Circuit typically approve attorneys' fees in the amount of one-third of the total recovery. *See, e.g., Ramos v. DNC Food Serv. Corp.*, No. 19-CV-02967 (VSB), 2022 WL 576300, at \*2 (S.D.N.Y. Feb. 25, 2022) (citing cases). "Additionally, courts regularly award lodestar multipliers from two to six times lodestar." *Id.* (internal alterations and quotations omitted). In line with that precedent, the Court finds that the requested attorney's fees are fair and reasonable. In reaching this conclusion, the Court makes no findings with respect to the reasonableness of counsel's hourly rates.

For these reasons, the Court approves the settlement. This action is dismissed with prejudice and without costs except as may be stated in the settlement agreement. The Court will retain jurisdiction to enforce the settlement agreement. The Clerk of Court is respectfully requested to close this case.

**SO ORDERED.**

Dated: New York, New York  
September 1, 2022

A handwritten signature in black ink, reading "Stewart D. Aaron", is positioned above a horizontal line.

STEWART D. AARON  
United States Magistrate Judge